

TITLE 5: HIGHWAYS, TRAFFIC
DIVISION 1: HIGHWAY PERMIT
Chapter 3: CONSTRUCTION PERMITS.
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51.031 Scope of Chapter.

The provisions of this chapter apply to applications for the granting and control of permits for the laying, constructing, reconstructing, or repaving of curbs, sidewalks, gutters, driveways, highway surfaces, retaining walls, storm drains, culverts, or other appurtenant highway structures in any highway, except that permits for residential driveways may be obtained from either the Road Department or the Building and Safety Department.

Adopted Ordinance #815 (1957); Amended Ordinance #1937 (1974);

51.032 Application.

An applicant for a construction permit shall complete and file with the Commissioner an application in duplicate, conforming with the provisions of Section 51.018 of this division which shall contain, in addition thereto, the following:

- (a) The location, nature, and extent of the work to be performed.
- (b) The materials to be used.
- (c) The proposed date and time of day when said work will be commenced.
- (d) The proposed date and time of day when said work will be completed.
- (e) Such other information as the Commissioner may require.

Adopted Ordinance #815 (1957);

51.033 Permit Deposits and Refunds.

An applicant for a permit to construct any work, except curbs, walks, gutters or highway surfaces, shall, in addition to the issuance fee, pay or make a deposit in an amount estimated by the Commissioner to be equal to twice the actual cost of all necessary engineering and inspection costs.

An applicant for a permit to construct a driveway with surfacing other than dirt, gravel or decomposed rock, shall, in addition to the issuance fee, pay an engineering and/or inspection fee as follows:

- (a) For each residential driveway, one dollar and fifty cents (\$1.50).
- (b) For each commercial drive, ten dollars (\$10).

The engineering and inspection costs herein provided for in Subsection (a) and (b) of Section 51.033 shall be presumed to be the actual cost. A refund shall not be made to any applicant unless the inspection and/or engineering fee was erroneously collected, in which case the entire amount may be returned, or if the driveway or driveways were not constructed by the permittee, the applicant may apply for a refund of the unused fees less a charge of one dollar and fifty cents (\$1.50) on the permit for site inspection costs. Where the deposit has been made for other than driveway construction work, the Commissioner shall, for refund purposes, deduct from the deposit in the same manner as provided by law for the repayment of trust, the required engineering and inspection. If such cost and fee is less than the deposit, the difference shall be refunded to the person making the deposit in the same manner as provided by law for the repayment of trust moneys.

If the cost, plus the issuance fee, exceeds the amount of the deposit, the permittee shall pay the deficiency to the Commissioner. If the applicant fails to pay said deficiency within fifteen (15) days, the Commissioner may recover such sum in any court of competent jurisdiction. Until such amount is paid, further permits shall not be issued.

Adopted Ordinance #815 (1957);

51.034 Waiver of Inspection Fees.

The Commissioner shall issue without any inspection fee or deposit therefor, a permit to construct a residential driveway if the applicant for such permit pays the issuance fee and submits satisfactory evidence to the Commissioner that:

(a) The distance from the curb line to the property line does not exceed ten (10) feet, and
(b) There is no space between the sidewalk and the curb, and
(c) The edge of the sidewalk closest to any private property line is not farther than five (5) feet from said private property line.

(d) The driveway will be competently inspected by a governmental agency other than an agency of the County, and such governmental agency will furnish a certificate to the effect that that portion of the driveway installed in the public right-of-way was inspected and complies with minimum standards required by the County.

Provided, however, that if an applicant receives a permit pursuant to subsection (d) of this section and the governmental agency referred to therein fails to make the inspection or fails to file the certificate there provided for within four (4) months of the issuance of the permit, the Commissioner himself may inspect the driveway in which case the applicant shall pay to the Commissioner the actual cost of such inspection.

Adopted Ordinance #815 (1957);

51.035 Deleted by Ordinance 1327 (1966).

51.036 Request and Waiver of Inspection.

Not less than eighteen (18) hours before the commencement of any work covered by this chapter, the permittee shall apply in writing to the Commissioner for an inspection therefor. In such application he shall specify the day and hour when, and the location at which, the work will be commenced. The Commissioner may waive any inspection if he believes such inspection is not necessary for the best interests of the County.

Adopted Ordinance #815 (1957);

51.037 Warning Signs and Precautionary Measures.

If the permit does not specify the precautionary measures to be taken by the permittee, such as the erection of barriers, barricades or warning signs, the permittee shall place and maintain warning lights at each end of such excavation or obstruction and at distances of not more than fifty (50) feet along such excavation or obstruction from sunset of each day to sunrise of the next day, until such excavation is entirely refilled and resurfaced or such obstruction is removed and every said person shall place and maintain barriers, or barricades, at each end of any said excavation or obstruction at all times until such excavation is entirely refilled or such obstruction is removed.

Barriers, barricades and warning devices shall conform to the same configuration and standards provided for in the current Department of Public Works publication entitled Manual of Warning Signs, Lights, and Devices for Use in Performance of Work Upon Highways, as compiled in accordance with Section 465.7 of the Vehicle Code of the State of California.

Adopted Ordinance #815 (1957);

51.038 Certification Acceptance.

If the Commissioner, by survey or by inspection or by both, ascertains that the work contemplated by this chapter has been completed according to the requirements of the permit issued therefor, and of all of the provisions of this division, he shall issue, if requested so to do by the permittee, a certificate of acceptance which shall contain a statement of the location, nature, and extent of the work performed under the permit.

Adopted Ordinance #815 (1957);

51.039 Removal of Material and Debris.

A permittee, upon completion of any work for which a permit under this chapter has been issued, shall remove all material and debris:

(a) Where new work is covered with earth, in accordance with the terms of the specifications attached to the permit.

(b) In all other cases within three (3) days.

51.0310 Failure of Permittee to Protect the Road or the Traveling Public or Complete the Work.

If a permittee unnecessarily damages the road, creates a hazard or otherwise endangers the traveling public, or the road, or fails to complete the work within the prescribed time, or authorized extension thereof, the County Highway Engineer may take corrective action. The cost of such correction work shall be charged against the permittee.

Adopted Ordinance #815 (1957); Amended Ordinance #1937 (1974);